

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Drawings

FIG. 4 has been amended to remedy a labeling error. In particular, the number "44" identifying the "Return Data Channel Amp" has been changed to "74".

Claim Status

Claims 1-18 are pending in this application. Claims 1-18 have been rejected by the Examiner. Claims 1, 8, 13 and 18 are herein amended, and claim 17 has been canceled without prejudice or disclaimer. No new matter has been added by these amendments.

Rejections Under 35 U.S.C. § 112 In View Of The Priority Document

The Examiner indicated that provisional application no. 60/195,227 (the priority document), from which priority is claimed, fails to provide adequate support under 35 U.S.C. § 112 for claims 4, 7 and 11. In particular, the Examiner indicated that the priority document does not provide adequate support for the "DOCSIS compatible decoder" of claim 4, and the "continuous status polling by a CATV head end" of claims 7 and 11. Applicant respectfully disagrees.

With regard to the "DOCSIS compatible decoder of claim 4," Applicant directs the Examiner's attention to the priority document, which discloses, inter alia, a digital set top box that includes a digital video receiver and a cable modem. The digital video receiver of the set top box follows the DOCSIS specification. The digital set top box receives signals from a DOCSIS head end via a cable network over a coaxial cable. In a Cable/DOCSIS system, a DOCSIS compatible decoder is used to decode DOCSIS signals transmitted from, for example, a DOCSIS head end. Because the priority document describes the Cable/DOCSIS system and its associated hardware, such as demodulators and digital signal processors, a person of ordinary skill in the art at the time would have understood that a DOCSIS compatible decoder would have been used, for example, to decode DOCSIS signals transmitted from a DOCSIS head end to a DOCSIS digital set top box. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

With regard to the "continuous status polling by a CATV head end" of claims 7 and 11, Applicant directs the Examiner's attention to the priority document, which discloses a DOCSIS set top box that includes, inter alia, a cable modem for use in a Cable/DOCSIS system. A cable modem for use in a Cable/DOCSIS system is commonly polled by a CATV head end to determine the status of the modem. For example, a CATV head end

intermittently or continuously polls a number of modems connected thereto to determine their status and/or to determine system conditions. Accordingly, a person of ordinary skill in the art at the time would have understood that the cable modem would have been able to support continuous polling by a CATV head end to determine its status. As such, Applicant respectfully requests that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 112

Independent claim 18 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner indicated that the disclosure fails to enable one of ordinary skill in the art how to make or use a method for “signal processing and interface in a set top box comprising the steps of receiving a signal... diplexing... and subsequently splitting said first signal band and said second signal band to create a first replicated signal and a second replicated signal for conveyance to respective first and second tuners...” The Examiner further indicated that “[t]he splitter disclosed by applicant does not split first (downstream) and second (return) signal bands provided by the diplexer.” Thus, the Examiner interpreted claim 18 as a method for signal processing and interface in a set top box comprising the steps of: “receiving a signal... diplexing...; subsequently splitting said first signal band to create a first and second replicated signal for conveyance to a respective first and second tuner.” Applicant respectfully disagrees with the rejection and the Examiner’s interpretation.

With regard to the Examiner’s interpretation of claim 18, in particular, the statement that the method, “...subsequently split[s] said first signal band to create a first and second replicated signal for conveyance to a respective first and second tuner”, Applicant directs the Examiner’s attention to FIG. 7. As shown in FIG. 7, an ODB coupler 148, which receives diplexed DOCSIS and video signals from a diplexer 144, sends the DOCSIS (e.g., a first signal band) and video signals (e.g., a second signal band) to a splitter 152. (¶ 0048). The splitter 152, splits the DOCSIS signals and the video signals, transmits the DOCSIS signals to a DOCSIS tuner 154 (¶ 0048), and transmits the video signals to a switch 158, which forwards the video signals to a video tuner 162. (¶¶ 0049, 0050). In other words, the splitter 152 receives first and second signal bands from the diplexer 144 and splits the first and second signal bands into replicated signals for transmission to first and second tuners 154, 162.

As such, Applicant believes that the language of claim 18 is enabled when read in view of the specification and that claim 18 be interpreted accordingly. Thus, Applicant respectfully submits that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Independent claim 1 and claim 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,638,112 (Bestler) in view of U.S. Patent No. 6,418,169 (Datari) and U.S. Patent No. 5,956,075 (Matsuo). Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Matsuo and Datari, and further in view of U.S. Patent Application No. 20020021465 (Moore). Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Matsuo and Datari, and further in view of U.S. Patent Application No. 20020154620 (Azenkot). Claims 5 and 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Matsuo and Datari, and further in view of U.S. Patent No. 4,527,194 (Sirazi). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Matsuo, Datari and Sirazi, and further in view of U.S. Patent Application No. 20020144284 (Burroughs) and U.S. Patent No. 6,408,437 (Hendricks).

The Examiner further rejected independent claim 8 and claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Bestler in view of Datari and Sirazi, and the prior art indicated in FIG. 5 of the application. Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Datari, Sirazi and the prior art of FIG. 5, and further in view of Burroughs and Hendricks. Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Datari, Sirazi and the prior art of FIG. 5, and further in view of a publication entitled, "IEEE 1394 – Cable's Home Digital Network Interface of Choice" (Kar). Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler in view of U.S. Patent No. 6,486,925 (Ko) and the prior art of FIG. 5. Claims 14 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Ko and the prior art of FIG. 5, and further in view of Sirazi. Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Ko and the prior art of FIG. 5, and further in view of U.S. Patent No. 6,553,567 (Wugofski). Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler, Ko and the prior art of FIG. 5, and further in view of Moore. In addition, independent claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bestler in view of Datari.

As will be explained below, Applicant respectfully submits that independent claims 1, 8, 13 and 18, as amended, are neither taught nor suggested by the prior art of record.

The present invention as recited in amended claim 1 is directed to a system for "decoding video signals received from a first source... and supporting continuous bi-directional communication with said first source..., comprising: a terminal...; a diplexer coupled to said terminal...; a signal splitting device coupled to said diplexer...; and first and

second tuners... wherein said first tuner comprises a DOCSIS compatible tuner.” As will be discussed below, the prior art of record does not disclose a first tuner that comprises a DOCSIS compatible tuner.

With regard to the DOCSIS compatible tuner as recited in claims 1, 8, 13 and 18, Applicant directs the Examiner to his rejection of claims 3 and 17. Claims 3 and 17 were rejected under 35 U.S.C. § 103(a) in view of several pieces of art, in particular, the Moore application, which apparently disclosed the features of: 1) a tuner having a DOCSIS compatible signal, and 2) a tuner comprising a DOCSIS compatible tuner. Moore has a filing date of December 29, 2000. The present invention has a priority date of April 6, 2000 (the provisional filing date), which precedes the filing date of Moore. Because the present invention's filing date precedes that of Moore, Moore was improperly cited against the present invention. Accordingly, Applicant requests that the rejection of claims 3 and 17 in view of Moore be withdrawn. As a result, Applicant believes that the invention as recited in independent claims 1, 8, 13 and 18, is patentable over the cited art because the cited art, taken alone or in combination, does not teach, disclose or suggest the invention as claimed.

In addition, because Applicant believes that the priority document discloses the subject matter of claims 4, 7 and 11, Applicant requests that the rejections to claims 4, 7 and 11 in view of the Azenkot and Burroughs applications be withdrawn, because they were both filed (February 23, 2001 and December 26, 2000, respectively) after the priority date of the present invention.

Dependent Claims

Applicant has not independently addressed the rejections of all of the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

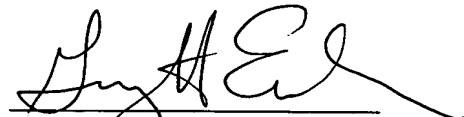
CONCLUSION

All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case is earnestly solicited. No fee is believed due with this response. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

Andrew Kent Flickner et al.

By



Guy H. Eriksen, Attorney

Reg. No. 41,736

Phone (609) 734-6807

GHE:pdf

Enclosure

Thomson Licensing Inc.
Patent Operations
P.O. Box 5312
Princeton, New Jersey 08543-5312

April 19, 2004